

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HAROLD ATENCIO,

Plaintiff,

v.

1:23-cv-00331-JMR-GJF

SAM BREGMAN, in his official capacity
as the District Attorney of the Second
Judicial District,

Defendant.

CERTIFICATION PURSUANT TO 28 U.S.C. § 2403

Pursuant to Federal Rule of Civil Procedure 5.1(b) and 28 U.S.C. § 2403(b), the Court
hereby CERTIFIES to Mr. Raul Torrez, Attorney General of the State of New Mexico, that the
constitutionality of NMSA § 32A-4-33(D) has been called into question in this matter by
plaintiff Harold Atencio.

The Court notes that the New Mexico Attorney General filed a statement of his position on
the constitutionality of the statute, but states that he does not seek to intervene. Doc. 22. Mr.
Atencio filed Plaintiff's Notice of Constitutional Challenge to a Statute as required by Federal
Rule of Civil Procedure 5.1(a) on July 13, 2023. Doc. 24. Therefore, the deadline for the State of
New Mexico to intervene in this action for the purpose of defending the constitutionality of
NMSA § 32A-4-33(D) is September 11, 2023. *See* FED. R. CIV. P. 5.1(c) ("the attorney general
may intervene within 60 days after the notice is filed or after the court certifies the challenge,
whichever is earlier").


JENNIFER M. ROZZONI
United States Magistrate Judge
Presiding by Consent